

06-30-06

ifw



Docket No.: 44575C US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jozef J. Van Dun et al.

Application No.: 10/817,030

Confirmation No.: 2797

Filed: April 2, 2004

Art Unit: 1711

For: BIMODAL POLYETHYLENE COMPOSITION
AND ARTICLES MADE THEREFROM

Examiner: N. M. Nutter

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

I hereby certify, pursuant to 37 CFR 1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

On the PTO/SB/08 form, the references denoted as BA, BB, BC, BU (and equivalent document), BV, BW, and CA were cited in opposition communication, from the European Patent Office, in European Patent No. 1417260 (European Application No. 02761404.9). A copy of "Communication of a notice of opposition" cover sheet is attached herewith. Opponents submitted arguments on May 3, 2006.

07/03/2006 LWONDIM1 00000001 041512 10817030

01 FC:1806 180.00 DA

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

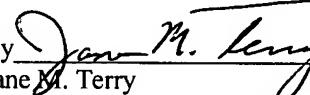
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 04-1512 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1512, under Order No. 44575C US. A duplicate copy of this paper is enclosed.

Dated: June 29, 2006

Respectfully submitted,

By 
Jane M. Terry
Registration No.: 53,682
THE DOW CHEMICAL CO.
2030 Dow Center
Midland, Michigan 48674
(979) 238-3424



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known			
				Application Number		10/817,030-Conf. #2797	
				Filing Date		April 2, 2004	
				First Named Inventor		Jozef J. Van Dun	
				Art Unit		1711	
				Examiner Name N. M. Nutter			
Sheet	1	of	4	Attorney Docket Number 44575C US			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	WO-01/25328-A1	04-12-2001	NOVA CHEMICALS		
BB	WO-92/12182	07-23-1992	NESTE OY		
BC	WO-00/01765	01-13-2000	BOREALIS POLYMERS OY		
BU	WO-00/58376 (Equiv. EP1041090A1)	10-05-2000	FINA RESEARCH S.A.		
BV	WO 02/34829 (Equiv. EP1201713A1)	05-02-2002	ATOFINA RESEARCH		
BW	WO 02/36678 (Equiv. EP1201711A1)	05-10-2002	ATOFINA RESEARCH		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			²
CA		Finathene® Xsene Bimodal Polyethylene Pipe Resin with Hexene Comonomer, August 1998			

DOW		Date Considered	
-----	--	-----------------	--



JUN 29 2006

Application No. (if known): 10/817,030

Attorney Docket No.: 44575C US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 793091646 US in an envelope addressed to:

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 29, 2006
Date


Signature

Deena D. Farris

Typed or printed name of person signing Certificate

Registration Number, if applicable

979-238-4563

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment After Allowance Under 37 C.F.R. 1.312 (8 pages)
Amendment Transmittal (1 page)
Information Disclosure Statement (2 pages)
PTO/SB/08 Citation of References (1 page)
Copies of 8 References
Return Receipt Postcard